



# PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making**Agency:** Department of Labor and Industries

- ☒ **Preproposal Statement of Inquiry was filed as WSR 06-01-069 ; or**  
☐ **Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**  
☐ **Proposal is exempt under RCW 34.05.310(4).**

- ☒ **Original Notice**  
☐ **Supplemental Notice to WSR \_\_\_\_\_**  
☐ **Continuance of WSR \_\_\_\_\_**

**Title of rule and other identifying information:** (Describe Subject)

Medical Aid Rules – Conversion Factors and Maximum Daily Fees: WAC 296-20-135, WAC 296-23-220, WAC 296-23-230

**Hearing location(s):**Dept of Labor & Industries  
7273 Linderson Way SW  
Tumwater WA 98501Date: March 21, 2006 Time: 1:00 PM**Submit written comments to:**Name: Tom Davis  
Address: PO Box 44322  
Olympia, WA 98504-4322  
e-mail [dato235@LNI.wa.gov](mailto:dato235@LNI.wa.gov)  
fax (360) 902-4249 by (date) March 28, 2006**Assistance for persons with disabilities:** ContactTom Davis by March 16, 2006TTY (360) 902-5797 or fax (360) 902-4249**Date of intended adoption:** April 18, 2006(Note: This is **NOT** the **effective** date)**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The purpose of the rule is to update the department's payment rates for health care services by:

- 1) Changing the conversion factor used to calculate payment levels for services payable through the Resource Based Relative Value Scale (RBRVS) fee schedule; 2) Changing the conversion factor used to calculate payment for anesthesia services; and 3) Increasing the maximum daily payment for physical and occupational therapy.

WAC 296-20-135(2): Increase the RBRVS conversion factor from \$52.23 to \$54.22.

WAC 296-20-135(3): Increase the anesthesia conversion factor from \$2.90 to \$2.97.

WAC 296-23-220 and WAC 296-23-230: Increase the maximum daily rate for physical and occupational therapy services from \$107.45 to \$109.92.

**Statutory authority for adoption:**

RCW 51.04.020 (1) and 51.04.030

**Statute being implemented:**

RCW 51.36.080

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**DATE**

February 14, 2006

**NAME** (type or print)

Gary Weeks

**SIGNATURE****TITLE** Director**CODE REVISER USE ONLY****WSR# 06-05-087**

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

- 1) Increasing the conversion factors used to calculate maximum payment for services paid with the Resource Based Relative Value Scale (RBRVS) fee schedule;
- 2) Increasing the conversion factor used to calculate maximum payment for anesthesia services; and
- 3) Increasing the maximum daily payment for physical and occupational therapy services.

The conversion factor updates are made in accordance with WAC 296-20-132, Determination of Conversion Factor Adjustments. The anticipated effect of this rule change is to allow injured workers continued access to health care services.

**Name of proponent: (person or organization)**

Department of Labor and Industries

- ☐ Private  
☐ Public  
☐ Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Tom Davis	Tumwater, WA	(360) 902-6687
Implementation.... Robert Malooly, Assistant Director	Tumwater, WA	(360) 902-4209
Enforcement..... Robert Malooly, Assistant Director	Tumwater, WA	(360) 902-4209

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone (    ) \_\_\_\_\_

fax     (    ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No. Explain why no statement was prepared.

This rule adoption is exempt under RCW 34.05.328(5)(b)(vi) and RCW 19.85.025(3).

**Is a cost-benefit analysis required under RCW 34.05.328?**

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone (    ) \_\_\_\_\_

fax     (    ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No: Please explain:

RCW 34.05.328 does not apply because the content of this rule is explicitly dictated by statute and fits within the exceptions listed in RCW 34.05.328(5)(b)(vi).